

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

GAY CHUNG
426 27TH STREET, 206A
OAKLAND, CA 94612

License No. 246431

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

DOCKET No. 2009-080 LC

Enf. Case No. 2445

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated (U.C.A.) §§ 31A-2-101 and 63G-4-201 and Utah Administrative Code (U.A.C.) Rule R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

FINDINGS OF FACT

1. Respondent is a non-resident individual producer authorized to do the business of insurance in the State of Utah holding License number 246431.
2. Respondent failed to properly respond to an inquiry of the Commissioner dated March 4, 2009. Correspondence was addressed to the Respondent's business address of: Marsh Risk & Insurance Services, 345 California Street, Suite 1300, San Francisco, CA 94014-2652. On April

1, 2009, Marsh USA, Inc., notified the department that Respondent was no longer an employee of Marsh Risk & Insurance Services.

3. Thereafter, Respondent was required, by certified letter dated April 7, 2009, and addressed to the Respondent's home mailing address of: 426 27th Street, 206A, Oakland, CA 94612, to provide a substantive response to the Commissioner's initial inquiry on or before April 21, 2009. Certified letter was returned to the department by the USPS on June 8, 2009 as "Return to Sender/Unclaimed/Unable to Forward." There are no other addresses for the Respondent on file with the department.

4. As of the date of this Notice of Informal Adjudicative Proceeding and Order, no response has been received and the time for response and any extensions granted has expired.

Having entered his Findings of Fact, the Commissioner now enters his:

CONCLUSION OF LAW

1. In failing to submit a timely response to an inquiry from the Commissioner, the Respondent violated U.C.A. Subsection 31A-2-202(4).

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

ORDER

IT IS HEREBY ORDERED:

1. Respondent shall pay an administrative forfeiture in the amount of \$250.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall provide a substantive response to the Commissioner's inquiries to be received in the offices of the Utah Insurance Department no later than ten (10) days after the date this Order becomes final.

3. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

NOTIFICATION

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, State Office Building, Room 3110, Salt Lake City, Utah 84114, Telephone Number (801) 538-3800. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.


You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license of the filing of an action to enforce this Order in District Court which may impose forfeitures of up to \$5,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

Questions regarding this Adjudicative Proceeding should be directed to Connie Nowland at (801) 538-3040.

DATED THIS 24th day of JUNE, 2009.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK KLEINFELD, J.D.
ADMINISTRATIVE LAW JUDGE
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF MAILING

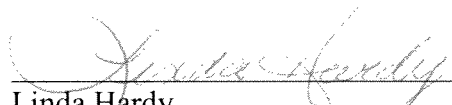
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER

To the following:

Gay Chung
426 27th Street 106A
Oakland, CA 94612

DATED this 24th day of June, 2009.



Linda Hardy

Court Clerk

Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901

UTAH
Invoice - Original

Page 1

Printed Date: June 24, 2009
Invoice Date: June 24, 2009
Balance Due: \$250.00
Due Date: July 19, 2009
Invoice ID: 417820
Payor ID: 133862

CHUNG GAY
MARSH RISK INSURANCE SERVICES
345 CALIFORNIA ST STE 1300
SAN FRANCISCO CA 94104-2652

Item Description	Amount
6/24/2009 Monetary Penalty Individual	\$250.00
E-Case 2445 Docket 2009-080 LC	
Original Amount Due	<hr/> \$250.00

UTAH
Invoice - Original

Invoice Date: June 24, 2009
Balance Due: \$250.00
Due Date: July 19, 2009
Invoice ID: 417820
Payor ID: 133862
Payor Name: CHUNG, GAY

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901